

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION**

This document relates to:

Track 8 - 1:18-op-45817-DAP
Track 9 - 1:18-op-45274-DAP
Track 10 - 1:19-op-45346-DAP

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**KROGER'S MOTION FOR STAY
OF ALL PROCEEDINGS AND CONTINUATION OF DEADLINES AS TO KROGER
IN MDL TRACKS 8 – 10**

The Kroger Co., Kroger Limited Partnership I, Kroger Limited Partnership II, Kroger Texas LP and Harris Teeter, LLC, f/k/a Harris Teeter, Inc. f/k/a RDK Investment Company and Harris Teeter Supermarkets, Inc. (collectively “Kroger”) respectfully move this Honorable Court for a Stay of All Proceedings and an Extension of Deadlines as to Kroger in MDL Tracks 8 – 10.

In support, Kroger asserts:

1. Kroger previously provided Notice to this Court that Kroger had reached an agreement in principle on monetary terms with State AGs, Tribes and subdivisions to resolve all pending opioid litigation within the states where Kroger has pharmacies.
2. On October 4, 2023, Kroger moved the Court to stay MDL Tracks 8-10 as to Kroger until the settlement agreement is finalized.
3. On October 20, 2023, the Court entered non-document orders in Tracks 8, 9 and 10 granting Kroger's Motion for Stay for a period of 90 days.

4. On January 17, 2024, the Court granted Kroger's Unopposed Motion for a Stay for period of 30 days.

5. On February 20, 2024, the Court granted Kroger's Unopposed Motion for a Stay for period of 30 days.

6. Plaintiffs and Kroger reached an agreement on all terms for Kroger's Global Settlement Agreement and signed the agreement on March 22, 2024.

7. On March 22, 2024, the Court granted Kroger's Unopposed Motion for a Stay for a period of 45 days.

8. On March 25, 2024, the state opt-in period for Kroger's Global Settlement Agreement began.

9. On May 2, 2024, Kroger, the State AGs, and the PEC agreed to extend the deadline for Kroger to decide whether to proceed with Kroger's Global Settlement based on the number of state opt-ins until May 14, 2024.

10. On May 6, 2024, the Court granted Kroger's Unopposed Motion for a Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 30 days.

11. On May 14, 2024, the subdivision opt-in period for Kroger's Global Settlement Agreement began.

12. On June 7, 2024, the Court granted Kroger's Unopposed Motion for a Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for a period of 90 days. That stay expires on September 7, 2024.

13. The current subdivision opt-in deadline is September 11, 2024, after which Kroger will have 30 days to determine whether to proceed with the Settlement based on the participation levels.

14. To provide sufficient time for the opt-in period to close and for Kroger to determine whether to proceed with the Settlement, Kroger respectfully requests that the Stay of All Proceedings and an Extension of Deadlines as to Kroger be extended for 34 days, through October 11, 2024.

15. Counsel for plaintiff in Track 9 indicated on September 6, 2024, that they agreed to this extension. Counsel for plaintiffs in Tracks 8 and 10 have not yet responded to the request for their position.

Date: September 6, 2024

Respectfully submitted,

Counsel for Kroger,

s/ Ronda L. Harvey

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CERTIFICATE OF SERVICE

I certify that on this 6th day of September, 2024, the foregoing document was filed using the Court's CM/ECF system which will electronically send a copy of the document to all counsel of record.

s/ Ronda L. Harvey

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